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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,030	11/13/2001	Gianfranco Stratico	AX - 119	5601

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1251 AVENUE OF THE AMERICAS  
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NEW YORK, NY 10020-1105

EXAMINER
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PHAN, THIEM D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 09/04/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/050,030	<b>Applicant(s)</b> STRATICO ET AL. <span style="float: right;">OS</span>
	<b>Examiner</b> Tim Phan	<b>Art Unit</b> 3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 16 July 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-52 is/are pending in the application.

4a) Of the above claim(s) 1-33 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 34-37 and 45-52 is/are rejected.

7) Claim(s) 38-44 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicants' election without traverse of group II-D, Claims 34-52, in Paper No. 7 is acknowledged.

The Restriction mailed on or about 5<sup>th</sup> June 2003 has been carefully reviewed and is held to be proper. Moreover Applicants did not distinctly and specifically point out any error in the Restriction Requirement. Accordingly, Claims 1-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Groups, there being no allowable generic or linking claim.

The Restriction filed on or about 5<sup>th</sup> June 2003 is hereby made Final.

Applicants are required to cancel these nonelected claims (1-33) or take other appropriate action.

An Office Action on the merits of Claims 34-52 now follows.

*Title*

2. The following title is suggested: "An Apparatus for Insulating Interior Walls of Laminating Slots of Dynamo-electric Machine Components".

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 34-37 and 46-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Copeland et al (US 4,136,433) hereinafter '433.

**As applied to claim 34, the '433 teaches an insulation feeding, cutting and inserting machine, comprising:**

- a knife assembly (Cf. Fig. 11, element 404; column 11, lines 36-38) for cutting the insulation strip (Cf. Fig. 11, element 402) into segment of predetermined length (Cf. Fig. 11, element 400);

- a tamp blade or forming member (Cf. Fig. 11, element 408; column 11, lines 29-31) is lowered into the cell cavity (Cf. Fig. 11, element 406) to shape the cut strip material;
- a carriage with ram or inserting member (Cf. Fig. 11, elements 88 & 416; column 11, lines 31-34) to force the shaped insulative strip (Cf. Fig. 11, element 400) into the armature slot;
- a central control device comprising the main shaft (Cf. Fig. 11, element 56; column 10, line 42) with control cam (Cf. Fig. 11, element 72) to control the cutting assembly, the forming member and the inserting ram.

**As applied to claim 35,** the '433 teaches that the cutting assembly (Cf. Fig. 11, element 222) is controlled by the mainshaft (Cf. Fig. 11, element 56) through the knife operating link (Cf. Fig. 1, element 236).

**As applied to claim 36,** the '433 teaches that the forming assembly (Cf. Fig. 11, element 408) is controlled by the mainshaft (Cf. Fig. 11, element 56) through the movable tamp plate (Cf. Fig. 11, element 410).

**As applied to claim 37,** the '433 teaches that the inserting member (Cf. Fig. 11, element 416) is controlled by the mainshaft (Cf. Fig. 11, element 56) through the Scotch yoke carriage and crank arm (Cf. Fig. 11, elements 88 & 74).

**As applied to claim 46,** the '433 teaches that the central control device is a drive mechanism of motor and clutch assembly (Cf. Fig. 11, elements 42 & 52) that rotates the shaft (Cf. Fig. 11, element 56).

**As applied to claims 47 and 48,** the '433 teaches that the cutting assembly (Cf. Fig. 11, element 222) is controlled by the rotating mainshaft (Cf. Fig. 11, element 56) through the knife operating link (Cf. Fig. 1, element 236) in a periodic or controlling sequence of the machine (Cf. column 3, lines 18-21).

**As applied to claims 49 and 50,** the '433 teaches that the forming assembly (Cf. Fig. 11, element 408) is controlled by the rotating mainshaft (Cf. Fig. 11, element 56) through the movable tamp plate (Cf. Fig. 11, element 410) in a periodic or controlling sequence of the machine (Cf. column 3, lines 18-21).

**As applied to claims 51 and 52,** the '433 teaches that the inserting member (Cf. Fig. 11, element 416) is controlled by the rotating mainshaft (Cf. Fig. 11, element 56) through the Scotch yoke carriage and crank arm (Cf. Fig. 11, elements 88 & 74) in a periodic or controlling sequence of the machine (Cf. column 3, lines 18-21).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over the '433.

The '433 teaches the claimed invention except for enclosing the central control device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to enclose the central control device for safety and protection since it was known in the art that the central control device does include a computerized circuitry (Cf. column 3, lines 18-21) which is prone to accidental failure and the motor with clutch (Cf. Fig. 11, elements 42 & 52) which are dangerous to be exposed.

*Allowable Subject Matter*

7. Claims 38-44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 703-605-0707. The examiner can normally be reached on M - F, 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

TP

  
CARL J. ARBES  
PRIMARY EXAMINER

Tim Phan  
Examiner  
Art Unit 3729

tp  
August 27, 2003